IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL WRIT PETITION NO.392 OF 2007
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Eagle Flasks Industries Ltd. ..Petitioners.
Vs.
Suswani Industries & Anr. ..Respondents.

Mr.Nitin Pradhan for M.H.Shirsat, advs. for the Petitioners.

Mr.R.Sathyanarayanan, adv. for the Respondent No.1.

Mrs.M.M.Deshmukh, APP for the Respondent/State.

CORAM : J.H.BHATIA, J.
DATE : JUNE 27, 2007.

P.C.

1. On 19th June, 2007, the learned counsel for the petitioners had made offer for payment of cheque in all five matters with interest at the rate of 10% per annum. On that offer, the learned counsel for the respondent no.1 sought time to get instructions and the matter was fixed on 22nd June, 2007. On that date, the matter was adjourned to 25th June, 2007. On 25th June, 2007 also the matter was adjourned at the request of the counsel on behalf of the respondents to get instructions. On all these dates, the learned counsel

for the petitioners was ready with bank drafts to make payment of total amount to the respondent. However, today Mr.Sathyanarayanan the learned counsel for the respondent no.1 makes a statement that the respondent no.1, who is original complainant, is not willing to accept the amount and wants to proceed with the matter on merits.

2. It may be noted that on 13th June, 2007 this Court had directed the petitioners to make statement as to who are the Managing Director or Joint Managing Director actually responsible for running management and business of the company as well as names of the signatories of the cheques. Mr.Pradhan the learned counsel for the petitioners makes a statement that the accused no.1 is Company, accused no.2 is Managing Director, accused no.3 is Joint Managing Director and accused no.6 is signatory of the disputed cheques. According to him, the accused nos.4,5 and 7, who are ladies, are not directly concerned with running management and business of the company or with issuance of cheques. In view of this, he does not press the petition to the extent of the petitioner nos.1,2, 3 and 6. Mr.Satyanarayanan the learned counsel for the respondent/complainant also concedes that the petition may be allowed to the extent of accused/petitioner nos. 4, 5 and 7.

3. With consent, petitions are allowed in terms of prayer clause (a) to the extent of accused/petitioner nos.4, 5 and 7. The trial Court shall proceed with the trial of the criminal cases in respect of the remaining accused as per the law.

4. Parties shall appear before the trial Court on 21st July, 2007.

5. Petitions stand disposed off accordingly. All the questions of facts and law raised by the petitioners are kept open.

[J.H.BHATIA, J.]